

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Waco Division

CHRISTOPHER BAKER

Case No. 6:20-cv-01123

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CITY OF BREMOND, TEXAS;
BREMOND POLICE DEPARTMENT; and
CHIEF OF BREMOND POLICE CURTIS POPE

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Christopher Baker		
Address	318 S. Anderson Street		
	Bremond	TX	76629
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Robertson		
Telephone Number	281-814-2240		
E-Mail Address	cdlshouston@gmail.coim		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	City of Bremond, Texas		
Job or Title <i>(if known)</i>			
Address	201 S. Dallas Street		
	Bremond	TX	76629
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Robertson		
Telephone Number	254-746-7730		
E-Mail Address <i>(if known)</i>	unknown		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Curtis Pope		
Job or Title <i>(if known)</i>	Chief of Police, Bremond Police Department		
Address	201 S. Dallas Street		
	Bremond	TX	76629
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Robertson		
Telephone Number	254-746-7710		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name

Bremond Police Department

Job or Title *(if known)*

Address

201 S. Dallas Street

Bremond

TX

76629

*City**State**Zip Code*

County

Robertson

Telephone Number

254-746-7710

E-Mail Address *(if known)*☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Job or Title *(if known)*

Address

*City**State**Zip Code*

County

Telephone Number

E-Mail Address *(if known)*☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Fourth Amendment right against unreasonable search and seizure by the government.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- Agents of Defendants, specifically, Officer Elkat of the Bremond Police Department, under the color of law, unlawfully detained and arrested Plaintiff placing him in handcuffs and restraining him in a locked police vehicle.
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Bremond, Texas on Plaintiff's property located at 318 S. Anderson Street.
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- B. What date and approximate time did the events giving rise to your claim(s) occur?
December 13, 2018 at approximately 4:00pm
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- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
On December 13, 2018, Officer Elkat whom was parked in his police vehicle on Plaintiff's private property. Plaintiff and Officer Elkat exchanged words while Plaintiff was on his property. Plaintiff was in his private vehicle and Officer Elkat instructed him to stop for not wearing a seatbelt. Plaintiff instructed Officer Elkat he was on private property. Officer Elkat arrested Plaintiff, handcuffing him and placing him in a locked vehicle for a long duration of time. Officer Elkat had a previous history of stopping Plaintiff's family member(s) when he witnessed them in public. Plaintiff was later released without charge after Chief of Police Curtis Pope arrived.
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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

No physical injuries sustained.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff Seeks:

Monetary Damages;
Punitive Damages as applicable under law;
Declaratory Relief; and
any other relief as the Court deems fit and just.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: December 10, 2020

Signature of Attorney /s/ Joseph P. Vredevelt

Printed Name of Attorney Joseph P. Vredevelt

Bar Number 24099222

Name of Law Firm Law Office of Joseph P. Vredevelt

Address 7324 SW Freeway, Ste 1478

Houston

TX

77042

City

State

Zip Code

Telephone Number 281-814-2240

E-mail Address CDLShouston@gmail.com